

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3404 OF 2006
IN
SUIT NO.288 OF 2000

Mandar Pharma & Ors. Plaintiffs
V/s.
Gobind Medical Stores & Anr. Defendants

Mr.P.S. Shah for the Plaintiffs.
Mr.Swapnil Bangur i/b G.S. Manasawala for the
Defendants in support.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH NOVEMBER, 2006.

P.C. :

1. In the event of the Defendants depositing an amount of Rs.3,30,000/- on or before 1.2.2007, the ex-parte decree dated 17.7.2003 shall stand set-aside.

2. In the event of the amount not being so deposited, the Notice of Motion shall stand dismissed and the decree shall stand and be executable forthwith. In the event of the amounts being deposited, the Prothonotary and Senior Master shall invest the same in fixed deposit of a nationalized bank initially for a period of six months and thereafter for like periods of six months each.

3. Mr.Shah, the learned counsel appearing on behalf of the Plaintiffs states that the Plaintiffs will not proceed further in the execution proceedings till 2.2.2007.

4. The Notice of Motion is accordingly disposed of.